

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
 Office of Secretary

In the Matter of)	
)	MM Docket No. 03-____
Amendment of Section 73.622(b))	RM-____
Digital Television Table of Allotments)	
Anchorage, Alaska)	

To: Chief, Allocations Branch

JOINT PETITION FOR RULE MAKING

Channel 2 Broadcasting Company, licensee of NBC-affiliated commercial television station KTUU-TV, NTSC Channel 2, Anchorage, Alaska, and permittee of unbuilt digital television station KTUU-DT, Channel 18, Anchorage, Alaska, and Alaska Public Telecommunications, Inc., licensee of PBS-affiliated noncommercial educational television station KAKM(TV), NTSC Channel 7, Anchorage, Alaska, and permittee of unbuilt digital television station KAKM-DT, Channel 24, Anchorage, Alaska, by and through their attorneys and pursuant to Section 1.401 of the Commission's rules, hereby jointly petition the Commission to amend Section 73.622(b) of its rules to (i) substitute DTV Channel 10 for DTV Channel 18 at Anchorage as the paired digital television channel assigned to KTUU-DT; and (ii) substitute DTV Channel 8 for DTV Channel 24 at Anchorage as the paired digital television channel assigned to KAKM-DT and to modify petitioners' digital construction permits accordingly.

I. The channel substitutions proposed herein will require that the existing digital construction permits for KTUU-DT and KAKM-DT each be modified to specify the transmitter site located at the Frank A. Mengel Broadcast Site at Mile 2.0 Pt. MacKenzie Access Road, near Knik, Alaska at coordinates 61-1 1-33 North Longitude and 149-54-01 West Latitude (the

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“F.A.M. Tower Site”). This site is owned by petitioners and is the currently authorized NTSC transmitter site for each of their analog stations. As demonstrated by the attached Engineering Statements, these digital reallocations can be made in full compliance with all applicable coverage and allocation criteria.” Specifically, the reallocations will permit each station to cover the entire community of Anchorage with the requisite 43 dBu signal strength. In addition, neither of the reallocations will increase interference to more than an additional two percent of the population served by any other analog or digital television station.

2. Should the Commission allot the channels requested herein, each petitioner will promptly apply for modification of the construction permit for its respective facility and undertake to build and operate the station if its modification is granted.

3. Petitioners are members of the Anchorage Broadcast Television Consortium (the “Consortium”), which includes the six NTSC VHF commercial and noncommercial television broadcast stations licensed to serve the Anchorage television market. The Commission is well aware of the difficulties that the Consortium has faced in trying to locate a site at which its members may collocate their digital facilities. The Consortium, led by local broadcasters Augie Hiebert and Al Bramstedt, has been working diligently for the last several years to design a practical and affordable plan for the speedy implementation of initial DTV service to the Anchorage market as well as for the eventual conversion to a permanent, exclusive DTV service environment that will be effective for the entire Anchorage market. A comprehensive plan was necessary due to the Anchorage market’s vast geographic area and extremely rugged topography.

^{1/} The Engineering Statements will also be used to support the future applications for modification of the digital construction permits of the stations, which will be filed after favorable action on any Notice of Proposed Rule Making that may be issued as a result of the instant Joint Petition.

In September 2000 and October 2001, Messrs. Hiebert and Bramstedt made presentations to the then Mass Media Bureau seeking approval of the Consortium's Anchorage DTV Implementation Master Plan, which called for, in its final phase, digital operation by most of the Anchorage television licensees from two sites simultaneously, one a digital-only VHF site located in the populous Matanuska/Susitna Valley, 12 miles north of Anchorage -- the F.A.M. Tower Site, and one a digital-only UHF site in downtown Anchorage for fill-in coverage (the "Hiebert Tower Site"). The use for VHF DTV operations of the F.A.M. Tower Site, which is currently used by petitioners for their analog operations, was to take place after the analog frequencies had been surrendered to the FCC. The justification for this use of two separate frequencies by the Anchorage licensees was based on the Anchorage market's unique and difficult geography. Specifically, members of the Consortium believed that digital operation by licensees from two separate sites was necessary to adequately cover the vast area of Anchorage as well as the important Matanuska/Susitna Valley.

4. The Media Bureau expressed concerns regarding the Commission's authority, absent some Congressional action, to permit the Anchorage television stations to use their UHF DTV channels for fill-in purposes on a permanent or even temporary basis once the conversion was complete. As a result of these and other FCC staff concerns, the Consortium sought to acquire an alternative joint DTV transmitter site (the "Eagle's Nest Tower Site"). Because the Eagle's Nest Tower Site is located on a hillside north of Anchorage and because of its proximity to both Anchorage and the Matanuska/Susitna Valley, the Consortium determined that the site would provide good coverage of metro Anchorage as well as excellent coverage of the rapidly growing Matanuska/Susitna Valley population. The Eagle's Nest Tower Site and the land on which it sits are separately owned. Thus, in April 2002, the Consortium began negotiations with

both the transmitter site owner and the land owner. Though the Consortium made great progress towards the purchase of the transmitter site, negotiations with the owner of the land were hindered by the owner's demand of almost four times the land's appraised value as a condition of sale. After repeated efforts, the parties were unable to reach an agreement acceptable to all parties, and at this time, the land owner has refused to negotiate further with the Consortium.

5. With the failure of the Consortium's latest plan to collocate its members' digital facilities, petitioners now seek to commence digital operations from their existing commonly owned site. However, given the F.A.M. Tower Site's location **12** miles north of Anchorage as well as the height of the existing tower, it has been determined that digital operation from the F.A.M. Tower Site by petitioners on their authorized UHF channels will not provide the necessary market coverage. Accordingly, petitioners request the channel substitutions proposed herein. As demonstrated in the attached Engineering Statements, petitioners believe that digital operation from the F.A.M Tower Site on the VHF channels requested herein will permit them to adequately serve the community of Anchorage.

6. To eliminate the potential for delay and to ensure that petitioners' proposal would be acceptable to all members of the Consortium, the proposal was presented to the members at a meeting on January **14**, 2003. Representatives of all Consortium members were present at this meeting, and no member expressed an objection to the plan.

7. Petitioners note that grant of the instant request will allow them to finalize plans for the prompt implementation of DTV service to the Anchorage market. Accordingly, petitioners hereby request that the Commission act expeditiously to grant the instant Joint Petition. Concurrently herewith, petitioners are filing a Joint Request for Expedited Action on the Petition.

For the foregoing reasons, petitioners respectfully request that the Commission promptly initiate the rule making requested herein by adopting a Notice of Proposed **Rule** Making which proposes to substitute DTV Channel 10 for DTV Channel 18 at Anchorage as the digital television channel assigned to KTUU-DT and DTV Channel 8 for DTV Channel 24 at Anchorage as the digital television channel assigned to KAKM-DT and to modify petitioners' digital construction permits accordingly.

Respectfully submitted,

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Alaska Public Telecommunications, Inc.

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Dated: February 20, 2003

ENGINEERING STATEMENT
OF
John F.X. Browne, P.E.

IN SUPPORT OF

PETITION FOR RULE MAKING
TO AMEND THE DTV TABLE OF ALLOTMENTS

Anchorage, Alaska

Channel 2 Broadcasting Company (CH2) is the licensee of commercial television broadcast station KTUU-TV, Channel 2 in Anchorage, Alaska.

In its Sixth Report and Order in the Advanced Television (DTV) Proceeding, the Commission made the following DTV allotment:

KTUU-TV Anchorage Channel 18

CH2 has received an FCC construction permit for this facility specifying a maximum ERP of 50 kW and an HAAT of 42 meters using an omni-directional antenna at the following coordinates:

61-11-33 N
149-54-01 W

CH2 is investigating the possibility of joining with other VHF broadcasters to utilize a common tower and antenna. If the DTV channel allotment specified a VHF channel, CH2. could utilize the same (existing) antenna for its DTV station that is used by other VHF broadcasters in the market in an economical fashion, while maintaining the VHF-based service to which its viewers have become accustomed.

Interference Studies

Engineering studies were undertaken to determine if Channel 10 could be used while meeting all de minimis interference requirements. An ERP of 50 kW was used with an omnidirectional antenna at an HAAT of 240 meters. The coordinates that were used are those of KAKM-TV:

61-25-22 N
149-52-20 W

The studies indicate that at the location, ERP and HAAT specified, Channel 10 would meet the de minimis interference requirements specified in the Commission's rules and OET-69.

Canada

The proposed reference site is more than 400 km from the Canada - US border and, therefore, is exempt from further consideration under the LOU.

Coverage

Operation at the proposed parameters will provide a predicted signal in excess of 43 dBu over the entire city of Anchorage.

Conclusion

It is concluded that the proposed change can be made in accordance with Section 73.623 (c) and therefore, it is requested that Section 73.622(b) be amended as follows:

	<u>Present</u>	<u>Proposed</u> ^{1/}
Alaska		
Anchorage	18,20,22,*24,*26, 28 30,32	10,^{2/} 20,22,*24,*26, 28 30,32

^{1/} Two other stations which share the KTUU-TV site may also file simultaneously for changes in their respective DTV allotments. Those changes are not reflected herein.

^{2/} The precise pilot carrier frequency provisions of Section 73.622(g) appear to apply, requiring designation "c".


The proposed changes can be made with the following specified parameters:

DTV Channel 10- Anchorage

Max ERP	50 kW, Omni-directional
HAAT	240 meters
Site	61-25-22 N
	149-52-20 W

Certification

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.



John F.X. Browne, P.E.
February 13, 2003

ENGINEERING STATEMENT
OF
John F.X. Browne, P.E.

IN SUPPORT OF

PETITION FOR RULE MAKING
TO AMEND THE DTV TABLE OF ALLOTMENTS

Anchorage, Alaska

Alaska Public Telecommunications, Inc. (APT) is the licensee of non-commercial television broadcast station KAKM-TV, Channel 7 in Anchorage, Alaska.

In its Sixth Report and Order in the Advanced Television (DTV) Proceeding, the Commission made the following DTV allotment:

KAKM-DT Anchorage Channel *24

APT has received an FCC construction permit for this facility specifying a maximum ERP of 50 kW, and an HAAT of 39 meters using an omni-directional antenna at the following coordinates:

61-11-33 N
149-54-01 W

If the DTV channel allotment specified a VHF channel, APT could utilize the same (existing) antenna for both its NTSC and DTV stations in an economical fashion while maintaining the VHF-based service to which its viewers have become accustomed. It is also investigating the possibility of joining with other VHF broadcasters to utilize the same tower and antenna.

Interference Studies

Engineering studies were undertaken to determine if Channel 8 could be used while meeting all de minimis interference requirements. An ERP of 50 kW was used with an omnidirectional antenna at an HAAT of 240 meters. The coordinates that were used are those of KAKM-TV:

61-25-22 N
149-52-20 W

The studies indicate that at the location, ERP and HAAT specified, Channel 8 would meet the de minimis interference requirements specified in the Commission's rules and OET-69.

Canada

The proposed reference site is more than 400 km from the Canada – US border and, therefore, is exempt from further consideration under the LOU.

Coverage

Operation at the proposed parameters will provide a predicted signal in excess of 43 dBu over the entire city of Anchorage.

Conclusion

It is concluded that the proposed change can be made in accordance with Section 73.623(c) and therefore, it is requested that the Section 73.622(b) be amended as follows:

	<u>Present</u>	<u>Proposed</u> ^{1/}
Alaska		
Anchorage	18,20,22,* 24 ,*26, 28 30,32	* 8 , ^{2/} 18,20,22,*26, 28 30,32

^{1/} Two other stations which share the KAKM-TV site may also file simultaneously for changes in their respective DTV allotments. Those changes are not reflected herein.

^{2/} The precise pilot carrier frequency provisions of Section 73.622(g) appear to apply, requiring designation "c".

The proposed changes can be made with the following specified parameters:

DTV Channel 8 – Anchorage

Max ERP	50 kW, Omni
HAAT	240 meters
Site	61-25-22 N
	149-52-20 W

Certification

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.



John F.X. Browne, PE
February 13, 2003